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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 2 August 1999, at 10.30 a.m.

Temporary Chairman: Mr. GUISSÉ

Chairman: Mr. HATANO

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Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

GE.99-14412 (E)

The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN, having declared the session open, expressed his pleasure at having enjoyed the privilege of serving as Chairman of the Sub-Commission at its fiftieth session, which had taken place at a time when extensive reforms were in active progress throughout the organizations of the United Nations system. A fruitful exchange of views had been held in both plenary meetings and informal consultations and there had been a number of positive achievements by the Sub-Commission, particularly in the establishment of standards and the formulation of human rights policies.

2. The Sub-Commission was an open, adaptable body in which the free expression and discussion of new ideas could take shape in proposals with a positive impact on the work of other United Nations bodies in the human rights field. All organizations must at some time face the need for reforms, which must, however, be objective and necessary. He had confidence in the future of United Nations institutions in the human rights field. Such bodies as the Sub-Commission were not merely forums for debate but also places in which calm reflection could lead to wise and far-reaching decisions.

3. Before handing over to his successor as Chairman, he wished to thank all those whose support had facilitated his completion of his own task as Chairman. Before proceeding to consider the first item of the provisional agenda, he invited the United Nations High Commissioner for Human Rights to address the Sub-Commission.

4. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the importance of the Sub-Commission's role in expanding United Nations human rights activities was emphasized by its new and more comprehensive title. The Sub-Commission functioned as a genuine think-tank by examining in detail the large issues of human rights and making recommendations that shaped the debate on how best to protect them. She particularly welcomed the participation of non-governmental organizations (NGOs), which could make a valuable contribution to the Sub-Commission's work.

5. The past year had witnessed many abuses of human rights around the world, which was all the more regrettable in that they had occurred in the fiftieth anniversary year of the Universal Declaration of Human Rights. Two examples stood out by the massive scale of the abuses perpetrated, although they had attracted widely disparate amounts of international attention and resources. In response to the magnitude of the Kosovo crisis, she had redeployed human rights officers to gather information about violations, had reported regularly to the Commission and had paid two personal visits to the region. Her Office was continuing coordinated work with its partners to ensure that human rights were at the core of humanitarian assistance and the rebuilding of democratic structures in the post-conflict period.

6. The Memorandum of Understanding established with the Federal Republic of Yugoslavia would have an important role to play in that country's evolution towards proper respect for the rule of law and of human rights. She was also

working closely with the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe and other United Nations agencies in seeking a long-term solution of human rights issues in the Balkans as a whole.

7. In stark contrast to the attention attracted by the events in Kosovo were the deadly conflicts taking place in Sierra Leone, her visit to which in June had taken place when peace talks had reached a critical stage. The cruelty and violence committed there against civilians, including women and children, she had found deeply shocking. She had urged the importance of immediate international help in re-establishing a human rights culture, and had pledged her Office's support for the establishment of an independent national human rights institution and a Truth and Reconciliation Commission. She had also called for the establishment of a Commission of Inquiry to investigate violations of human rights and humanitarian law.

8. Among the positive developments of the past months had been the events marking the tenth anniversary of the Convention on the Rights of the Child, which had included a valuable discussion of the question by the Commission on Human Rights, and the adoption of an International Labour Organization (ILO) Convention outlawing the worst forms of child labour. More recently, the Economic and Social Council had held a special dialogue on children in which the voices of children as well as that of the Secretary-General had been heard.

9. Another significant achievement had been the adoption by the General Assembly in December 1998 of the United Nations Declaration on Human Rights Defenders - a subject which she was sure would be taken up by the Sub-Commission at its current session. The continuing vulnerability of defenders had been underlined by some recent sad events, such as the brutal killing of a Sri Lankan legislator a week previously. She was also encouraged by the increasing pace of regional cooperation and national capacity-building in human rights institutions. All those positive developments confirmed her belief that the challenge of making the protection of human rights a reality was, although formidable, achievable.

10. One of the greatest achievements of the past half century had been the building up of an impressive array of norms and legislation in the field of human rights, and the time had come for the main focus of attention to be shifted to implementation, a shift of emphasis that had important implications for the work of the Sub-Commission. Given the will and energy, she was convinced that the gap between rhetoric and reality could be bridged. The Sub-Commission could already point to impressive achievements, particularly in the field of standard-setting, an example being the draft declaration on the rights of indigenous peoples that was currently pending before the Commission.

11. The Sub-Commission had also played an important preparatory role in the creation of the thematic mechanisms of the Commission. It had originated the appointment of special rapporteurs on the freedom of information and expression, on the independence of the judiciary, and on religious intolerance and racism, and had played a part in the establishment of the Working Groups on Enforced or Involuntary Disappearances, and on Arbitrary Detention. One of its most significant contributions had been studies on economic, social and cultural rights, as well as on civil and political rights, a good example of

which was that dealing with human rights and extreme poverty, completed by the Sub-Commission in 1996. The specialized knowledge and skills of a number of Sub-Commission members had been recognized and utilized by the Commission and also by herself and her Office.

12. Recognizing the need to take account of structural and thematic changes in the field of human rights, and the shift of emphasis from standard-setting to implementation, the Sub-Commission would, she was convinced, respond positively to the calls made upon it in relation to four themes: preparation for the World Conference on Racism, concerning which two working papers prepared by its members were to be considered at the current session - one on the rights of non-citizens, and the other on globalization in the context of the increase in incidents of racism; the human rights dimension of globalization, the social, economic and political implications of which were only beginning to be grasped; the integration of human rights into business planning and policies, including the adoption of effective codes of human rights practices and methods to ensure their implementation; and the subject of economic, social and cultural rights and the right to development, regarding which the Sub-Commission had in recent years embarked upon a comprehensive set of studies.

13. In conclusion, she reiterated the importance she attached to the role of the Sub-Commission and the readiness of her Office to assist it not only during the session but throughout the year.

ORGANIZATION OF WORK (item 1 of the provisional agenda)

(a) ELECTION OF OFFICERS

14. Mr. FAN Guoxiang nominated Mr. Hatano for the office of Chairman.

15. Mr. KHALIFA and Mrs. WARZAZI seconded the nomination.

16. Mr. Hatano was elected Chairman by acclamation.

17. Mr. Hatano took the Chair.

18. The CHAIRMAN invited nominations for the offices of Vice-Chairman.

19. Mr. SIK YUEN proposed Mr. Mehedi.

20. Mr. KARTASHKIN proposed Mr. Ramashvili, who had unfortunately been unable to attend the first meeting of the session.

21. Mrs. DAES proposed Mr. Bossuyt.

22. Mr. Mehedi, Mr. Ramashvili and Mr. Bossuyt were elected Vice-Chairmen by acclamation.

23. Mr. JOINET said he wished to place on record the fact that the decision to elect a member of the Sub-Commission to the office of Vice-Chairman in absentia constituted an exceptional and unprecedented step.

24. Mr. ALFONSO MARTÍNEZ nominated Mr. Pinheiro for the office of Rapporteur.

25. Mr. Pinheiro was elected Rapporteur by acclamation.

26. The CHAIRMAN said that he was honoured to have been elected Chairman of the fifty-first session and particularly grateful to his fellow members of the Sub-Commission for deciding to change the order of rotation of the chairmanship among the members from the different regions in order to accommodate him. He had been prevented by a surgical operation from attending the Sub-Commission's previous session and the Asian and African members had so arranged matters that his absence had not deprived him of the opportunity to preside over the proceedings.

27. Turning to the issue of implementation of the human rights treaties, he said that the United Nations system, including the Sub-Commission, had a commendable record in terms of human rights standard-setting: 24 human rights treaties had come into force following ratification by a large number of States. It was a regrettable fact, however, that the treaties had not been satisfactorily implemented and that the States parties had not fully complied with their provisions.

28. For example, although 191 States had acceded to the Convention on the Rights of the Child, the children of the world were still being denied the right to attend school and to enjoy a healthy life. Apart from the refugee children of Kosovo, Rwanda and other conflict areas, many children were still starving, forced to toil under unhealthy conditions instead of attending school, exploited for prostitution and pornography, and even conscripted into armed forces by Governments or anti-government groups.

29. Torture was another example. He spoke as a member of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, which subsidized the non-profit-making organizations and institutions that looked after surviving torture victims in various parts of the world. According to information received from those sources, torture was still being systematically practised by 134 Governments, many of which were parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

30. It was imperative therefore to promote and secure the full implementation of the existing human rights instruments by both Governments and non-governmental groups in the years to come.

31. In the past, the term "non-State actors" had been almost synonymous with "non-governmental organizations" (NGOs), bodies which were an important source of information regarding human rights violations around the world and which had recently played a vigorous role in events such as the adoption of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. The Sub-Commission and the United Nations system as a whole would clearly continue to depend heavily on NGOs in the future.

32. It was important, however, to differentiate between NGOs that were constructive and cooperative and "anti-governmental organizations", including terrorists and extremists. Moreover, large-scale private industries and enterprises, many of which were "transnational", must be recognized as significant new "non-State actors" in international affairs. It was essential to enlist their cooperation in addressing human rights issues, concerning the environment for example, and sometimes to advocate a measure of restraint, inducing or persuading them to look beyond profit-making and consider the benevolent role they could play on behalf of the world as a whole.

33. Although it was often argued that there should be no order of priority among human rights, conflicts sometimes arose between two or more human rights provisions. The human rights treaties adopted over the past 50 years had well-nigh filled up the available terrain. Any new edifice would inevitably affect the structures already in place. For example, the Convention on the Elimination of All Forms of Discrimination against Women required States parties to take action against "customary and all other practices" based on "stereotyped roles for men and women". Stereotyped roles persisted, however, in many indigenous communities and the draft United Nations Declaration on the Rights of Indigenous Peoples, approved by the Sub-Commission in 1993, enjoined respect for the traditions, customs and practices of indigenous peoples. The question therefore arose as to whether an exception was to be made for indigenous peoples and, if so, whether other minorities which had similar traditions, customs and practices were also entitled to exceptions. As such conflicts between human rights principles were likely to arise more frequently in the future, ways of addressing the sensitive issue of an order of priority or even a hierarchy among human rights would have to be found.

34. The Bureau of the Commission on Human Rights had recently proposed a drastic "restructuring" of the Sub-Commission. The recent decision by the Economic and Social Council to change the title of the Sub-Commission formed part of that proposal. Other parts included: a reduction in the number of experts from 26 to 15; nomination of the experts by the Chairman of the Commission, in consultation with the other members of the Bureau, instead of election by the Commission; restriction of the term of office of experts to a maximum of 8 years; prohibition of concurrent employment of experts by the administrative branch of their Governments; abolition of the system of alternates; a reduction of the length of the Sub-Commission's session from four to two weeks; withdrawal of the Sub-Commission's mandate under the procedure established by Economic and Social Council resolution 1503 (XLVIII); abolition of the Working Group on Indigenous Populations once the permanent forum for indigenous people was established; and replacement of the Working Group on Contemporary Forms of Slavery by a special rapporteur.

35. That should be enough to alert the members of the Sub-Commission to the "drastic" nature of the proposal, which had discouraged him from commenting further on the existing shape of the Sub-Commission and its role and functions in the twenty-first century.

36. Mr. MEHEDI, speaking on behalf of the African members of the Sub-Commission, expressed his condolences to the Moroccan expert, Mrs. Warzazi, on the death of His Majesty Hassan II, King of Morocco.

37. The CHAIRMAN, adding his condolences to those of Mr. Mehedi, said that the funeral of King Hassan II had brought together many influential world figures and had, perhaps, contributed to the achievement of a peaceful settlement in the Middle East.

(b) ADOPTION OF THE AGENDA (E/CN.4/Sub.2/1999/1)

38. The provisional agenda was adopted.

(c) METHODS OF WORK OF THE SUB-COMMISSION

39. The CHAIRMAN drew attention to Commission on Human Rights resolution 1999/81, entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", pursuant to paragraph 11 of which he invited the Chairperson of the Commission to address the Sub-Commission.

40. Ms. ANDERSON (Ireland), Chairperson of the Commission on Human Rights, said that while the Commission's debate on its agenda item 16, entitled "Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", had been a brief one, it had resulted in the adoption of a cogent and substantive resolution (resolution 1999/81), which took note of the Sub-Commission's work; reaffirmed how best it could help the Commission; welcomed and invited it to enhance the steps it had taken to reform and improve its working methods; invited it to continue its efforts to avoid duplication with the Commission; and requested it to improve further its methods of work. It went on to request States to ensure that they nominated independent experts of recognized human rights competence, and invited the Secretary-General to provide the Sub-Commission with the necessary technical support. Finally, it requested the Sub-Commission to devote sufficient time at its fifty-first session to discussion of its working methods, and authorized it to hold not more than 30 public meetings during the session.

41. The resolution thus sent a mixed message. The Commission recognized the Sub-Commission's achievements and its efforts to improve its work, while indicating that it felt that there was significant scope for further improvement.

42. The Commission's debate under its agenda item 20, entitled "Rationalization of the work of the Commission", had been intimately linked to its discussions under agenda item 16. The outcome of the discussion on item 20 had been a consensus statement by the Chair setting out the agreements reached on a limited number of issues and remitting a number of tasks to an inter-sessional working group. With regard to the Sub-Commission, agreement had been reached on the change in its name, and the working group had been asked to draw up recommendations for further change, focusing on the role and mandate of the Sub-Commission, its composition, and questions of effectiveness and efficiency, including the duration of meetings. The working group was scheduled to hold three one-week meetings before the fifty-sixth session of the Commission.

43. It was impossible to read the relevant submissions to the Bureau of the Commission without becoming aware of a number of problems in the relationship

between the Commission and the Sub-Commission. From the Sub-Commission's own submission, it was apparent that it felt itself to be misunderstood and undervalued by the Commission; while a number of governmental submissions implied considerable frustration at the direction taken by some of the Sub-Commission's work in recent years. The inter-sessional working group was thus faced with a considerable challenge in its discussion on the Sub-Commission. While no decisions on modalities had yet been taken, it was likely that the working group would wish to hear directly from a representative of the Sub-Commission in the course of its work.

44. In addition to various general requests, resolution 1999/81 contained specific requests concerning a work plan and working methods, a more selective approach to studies and the need to limit the number of working groups, based on a recognition that, in the current budgetary climate, prioritization was essential. The resolution also touched on the sensitive issues of independence, impartiality and expertise, implying that more could be done to safeguard the independence of members - a matter concerning which Governments too had key responsibilities. Lastly, it touched on the problem of ensuring efficient and effective participation of NGOs in a spirit of responsible and constructive partnership.

45. In considering what should be the guiding themes for its fifty-first session, the Sub-Commission might wish to reflect on the notion of "taking responsibility", which she had proposed as a guiding theme for the Commission at its fifty-fifth session. All the various parts of the United Nations human rights machinery had their different roles to play, and the task for each was to attempt to do the right thing within its own area of responsibility. That task required dedication and discipline - qualities that were not always easy to reconcile.

46. Mr. ALFONSO MARTINEZ said that the proposals contained in recommendation 12 of the report of the Commission's Bureau at its fifty-fourth session (E/CN.4/1999/104) regarding the work of the Sub-Commission had been one of the most controversial issues facing the Commission in its debate under its agenda item 20. The Sub-Commission should react to those proposals, not defensively, but with a view to identifying the rationale behind the proposed changes and ascertaining whether they would be for the better. The question of the methods of work of the Sub-Commission raised important practical issues calling for in-depth debate, either under the current agenda item or, possibly, within an ad hoc working group. The Bureau should consider how the Sub-Commission could best engage in such an in-depth debate, which was crucial to its very future, and should submit a recommendation on the matter to the Sub-Commission at its next meeting.

47. Mr. EIDE said that, in a period when United Nations human rights mechanisms were moving from a phase of standard-setting to one in which the harsh realities of human rights were being confronted, it was hardly surprising that there were widely differing views on how best to address those realities. Strained relations between the Commission and the Sub-Commission were nothing new: in 1950, the Commission had decided to abolish the Sub-Commission - a decision endorsed by the Economic and Social Council but subsequently overturned by the General Assembly. Part of the problem was that

the messages from the Commission concerning the role it expected of the Sub-Commission had always been mixed. Nonetheless those messages should be heeded.

48. Careful thought must be given to what might be an appropriate mandate for the retitled Sub-Commission. The suggestions that had been made by the High Commissioner for Human Rights regarding the appropriate themes - racism, globalization, business and human rights, economic and social rights and the right to development - were all very valuable: in a process of globalization in which the role of the State was being weakened, it was important to consider what role the transnational corporations could and should play in the promotion of human rights.

49. Mr. JOINET said that the High Commissioner had been right to stress that implementation was henceforth the priority - an idea that was also expressed in paragraph 5 of Commission Resolution 1999/81. The question was thus what techniques should be employed to improve implementation. Attempts to ensure compliance with standards required denunciation of violations, whereas implementation called for technical assistance and cooperation. In recent years the emphasis seemed to have shifted from the former to the latter activity.

50. In the last analysis, however, violations persisted and the question had to be asked whether it was possible to develop a cooperation programme with a State that violated human rights. The Commission appeared to wish the Sub-Commission to adopt fewer resolutions on human rights situations in specific countries. In exceptional cases, however, denunciation of violations could still be an important component of an implementation-oriented policy.

51. Mr. BOSSUYT said that the Commission's frustrations with the Sub-Commission were not new, and both organs should recognize that they were dealing with the same problems. The lack of understanding on the part of the Commission might be lessened if more heads of delegations attended the meetings of the Sub-Commission. The two organs reflected the world as it was and they operated in a political environment that gave rise to many problems. It was, after all, the Governments which nominated candidates for membership of the Sub-Commission, and the Commission that elected them. The Sub-Commission had asked for its name to be changed as long ago as 1985, and the new name certainly corresponded more accurately to the work it was doing.

52. In its closed meetings, the Sub-Commission would be dealing with the report of the Working Group on Communications established pursuant to Economic and Social Council resolution 1503 (XLVIII), and it might face criticism if it were seen to be spending more time discussing its own methods of work than the situation of human rights in the world. It would be a useful exercise in reducing misunderstanding if the High Commissioner for Human Rights and the Chairperson of the Commission were able to attend the closed meetings of the Sub-Commission.

53. Mr. KARTASHKIN said that the Commission's proposals to expand the Sub-Commission's functions and at the same time reduce the length of its sessions and the number of its experts were contradictory and in practical terms mutually exclusive. The Sub-Commission should work out its own

proposals for improving its methods of work, and then send a representative to the inter-sessional working group to convey those proposals and play an active part in the group's deliberations.

Minute of silence in honour of victims of all forms of violations of human rights in all regions of the world

54. The CHAIRMAN said that, by its decision 1994/103, as orally amended in 1997, the Sub-Commission had decided to observe at the commencement of each of its annual sessions a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world.

55. The members of the Sub-Commission observed a minute of silence.

56. Mr. LEBAKINE (Secretary of the Sub-Commission) said that, of the 25 documents so far received by the Secretariat, 12 were available in all languages. He reminded the Sub-Commission of the General Assembly rule that documents could not be distributed until they were available in all the official languages.

57. Mr. JOINET said that there should be some flexibility in applying the rule of simultaneous distribution. Clearly, no document should be discussed until it was available in all languages, but surely there could be an agreement within the Sub-Commission that documents could be distributed once they were available in the three working languages.

58. Mr. LEBAKINE (Secretary of the Sub-Commission) said that it was not within the competence of the Sub-Commission or the Secretariat to modify a decision of the General Assembly.

59. Mrs. WARZAZI said that, while she fully supported the decision taken by the General Assembly, the Sub-Commission was a group of experts, not a group of politicians, and she suggested that the Secretariat should consult the Legal Adviser as to whether, exceptionally, documents could be distributed in the three working languages, as was done in the case of working groups.

60. Mr. BOSSUYT said that there were two other exceptions which were applicable to the Sub-Commission. Its summary records and the documents covered by the terms of Economic and Social Council resolution 1503 (XLVIII) were made available in the three working languages.

The meeting rose at 12.55 p.m.



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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 August 1999, at 10 a.m.

Chairman: Mr. HATANO

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ORGANIZATION OF WORK (continued):

(c) METHODS OF WORK OF THE SUB-COMMISSION (continued)

TRIBUTE TO THE MEMORY OF NEELAN THIRUCHELVAM

* The summary record of the second part (closed) of the meeting appears as document E/CN.4/Sub.2/1999/SR.2/Add.1.

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The meeting was called to order at 10.05 a.m.

ORGANIZATION OF WORK (agenda item 1) (continued) (E/CN.4/Sub.2/1999/OD.2)

(c) METHODS OF WORK OF THE SUB-COMMISSION (continued)
(E/CN.4/Sub.2/1999/2 and 3)

1. The CHAIRMAN drew attention to the draft timetable for the consideration of agenda items proposed by the Bureau (E/CN.4/Sub.2/1999/OD.2).
2. The Bureau had decided on the establishment of an open-ended sessional working group on transnational corporations, pursuant to Sub-Commission resolution 1998/8, and of an open-ended sessional working group on the methods of work of the Sub-Commission. Reviewing the background to the establishment of the latter working group, he said that the Commission on Human Rights had adopted a number of resolutions encouraging the compilation of existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission.
3. At the Sub-Commission's forty-ninth session, an open-ended sessional working group had examined and approved the first 38 rules in a working paper on methods of work (E/CN.4/Sub.2/1997/3). That group had not been re-established at the fiftieth session owing to the absence of the author of the working paper, namely himself. The Sub-Commission had, however, decided at that session to consider the new revised working paper (E/CN.4/Sub.2/1999/2) at its fifty-first session on a priority basis in private meetings and to complete its examination thereof at that session. The author of the working paper in question would not be a member of the Sub-Commission at its fifty-second session.
4. The Bureau had decided against the establishment of a sessional working group on the administration of justice at the current session because the main objectives of the working group had already been achieved, including the elaboration of a draft international convention on the protection of all persons from enforced disappearance, which had been transmitted to the Commission. Moreover, no working paper had yet been submitted on the topics of "privatization of prisons" and "capital punishment". The only completed paper was that submitted by Mr. Fix-Zamudio concerning "improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level". The Bureau had furthermore concluded that it would be unduly burdensome for the Sub-Commission to have three working groups at the same session.
5. Mr. JOINET proposed that the Sub-Commission's decision on the matter should state that the working group on the administration of justice was merely being suspended until the next session, when it could replace the working group on the methods of work of the Sub-Commission, which was scheduled to complete its activities at the current session. The working group on the administration of justice had made a valuable contribution to the elaboration of human rights standards and should focus in the future on their implementation, as recommended by the High Commissioner for Human Rights.

6. Mr. ALFONSO MARTÍNEZ said he supported the Bureau's proposals and agreed with Mr. Joinet that the working group on the administration of justice should resume its proceedings at the following session, possibly shifting its attention to the implementation of international standards.
7. Mr. EIDE also supported Mr. Joinet's proposal to suspend the sessional working group on the administration of justice for the current session only and endorsed his comment on the need to address substantive matters in the light of the High Commissioner's advice concerning the Sub-Commission's role in the implementation of standards.
8. Ms. HAMPSON said she wished to emphasize that the suspension of the working group on the administration of justice should be merely temporary, not only for the reasons stated by Mr. Joinet but also because the Sub-Commission could not prejudge developments in the consideration of its agenda item 9.
9. The CHAIRMAN said that the working group would, in any case, resume its proceedings when the papers on the privatization of prisons and capital punishment were submitted.
10. Mr. SIK YUEN proposed that the decision should specifically state that the working group would be reconvened at the next session.
11. Mr. BENGEOA expressed surprise at the provision in the draft timetable for seven meetings on the Sub-Commission's methods of work. Such meetings, unlike those devoted to substantive issues, were not particularly productive. Although the Sub-Commission's margin for manoeuvre was restricted by the Commission's injunctions regarding the number of public meetings, he urged the Bureau to organize the meetings on the methods of work in such a way as to enhance their productivity.
12. Mr. FAN Guoxiang said he supported the Bureau's proposals regarding the draft timetable. However, he agreed with Mr. Bengoa that the Sub-Commission should not concern itself solely with procedural matters at the meetings held in closed session but should also address substantive issues.
13. The CHAIRMAN said he took it that the Sub-Commission wished to establish an open-ended sessional working group on transnational corporations under agenda item 4 (c) and an open-ended sessional working group on the methods of work of the Sub-Commission under agenda item 1 (c) and to suspend the proceedings of the sessional working group on the administration of justice for the current session.
14. It was so decided.
15. The CHAIRMAN invited the regional groups to nominate members to serve on the two working groups.
16. Mr. YIMER, speaking on behalf of the African experts, nominated Mr. Guissé for the working group on agenda item 4 (c) and Mrs. Warzazi for the working group on agenda item 1 (c).

17. Mr. FAN Guoxiang, speaking on behalf of the Asian experts, nominated Mr. Zhong Shukong for the working group on agenda item 4 (c) and Mr. Hatano for the working group on agenda item 1 (c).
18. Mr. KARTASHKIN, speaking on behalf of the Eastern European experts, nominated Ms. Motoc for the working group on agenda item 4 (c) and Mr. Shamshur for the working group on agenda item 1 (c).
19. Mr. ALFONSO MARTÍNEZ, speaking on behalf of the Latin American experts, nominated Mr. Pinheiro for the working group on agenda item 4 (c) and Mr. Fix-Zamudio for the working group on agenda item 1 (c).
20. Mr. BOSSUYT, speaking on behalf of the Western European and other experts, nominated Mr. Eide for the working group on agenda item 4 (c) and himself for the working group on agenda item 1 (c).
21. Mr. Bossuyt, Mr. Eide, Mr. Fix-Zamudio, Mr. Guissé, Mr. Hatano, Ms. Motoc, Mr. Pinheiro, Mr. Shamshur, Mrs. Warzazi and Mr. Zhong Shukong were elected to the respective working groups by acclamation.
22. The CHAIRMAN said that the working groups would elect their officers at their first meetings.
23. While the working group on agenda item 1 (c) would consider the final working paper on methods of work (E/CN.4/Sub.2/1999/2), the plenary meetings on the same item were expected to focus on the report of the Bureau of the Commission on Human Rights (fifty-fourth session) on the rationalization of the work of the Commission (E/CN.4/1999/104). As all meetings on agenda item 1 (c) were to be held in closed session, pursuant to Sub-Commission decision No. 1998/108, the word "closed" should be inserted in brackets after the references to meetings of the working group in the draft timetable.
24. Mr. JOINET said that, generally speaking, he disapproved of the idea of holding meetings in the absence of the observers for Governments and non-governmental organizations (NGOs). He suggested that the summary records of the closed meetings should be given general distribution.
25. Mr. ALFONSO MARTÍNEZ said that the Sub-Commission was not eternally bound by its previous decisions and could, perhaps, reconsider decision No. 1998/108. He, too, was averse to closed meetings on the grounds that they reduced transparency. However, the records of such meetings must remain confidential and restricted.
26. Mr. YIMER said that the purpose of closed meetings was to enable the members of the Sub-Commission to engage in an uninhibited discussion. That purpose would be defeated by a decision to give the records general distribution. On the other hand, he had no objection to holding the meetings on agenda item 1 (c) in public.
27. Mr. BOSSUYT said he saw no need for the working group to meet in closed session. The Commission had, however, specifically instructed the Sub-Commission to discuss its methods of work in closed session when meeting

as a plenary body. He supported Mr. Joinet's suggestion that the summary records of the meetings held in closed session that dealt with its methods of work should be given general distribution.

28. The CHAIRMAN said that, if the sessional working group held public meetings, the Sub-Commission would exceed the maximum number of 30 public meetings allotted to it by the Commission.

29. Mrs. WARZAZI proposed that the Sub-Commission should decide, in an initial closed meeting, how best to proceed subsequently. One way of avoiding the problem of coverage in summary records would be for the chair of the working group to make an oral presentation on the outcome of the working group's closed meetings.

30. Mr. ALFONSO MARTINEZ said that paragraph 8 of Commission resolution 1999/81 did not specify whether the Sub-Commission was to discuss its methods of work in public meetings or in closed session.

31. Mr. JOINET said that the Economic and Social Council was the only body empowered to amend the Sub-Commission's methods of work. Under rule 39 of the rules of procedure of the functional commissions of the Economic and Social Council, the Sub-Commission had to hold its meetings in public unless it itself decided otherwise. Thus, in authorizing the Sub-Commission to hold no more than 30 public meetings, and in deciding that it was to meet in closed session for certain purposes, the Commission was acting ultra vires.

32. The CHAIRMAN urged the members to concentrate on the question whether the sessional working group should hold public meetings or meet in closed session.

33. Mrs. DAES proposed that the Sub-Commission should amend its decision No. 1998/108 that the working group should meet in closed session. She asked the Secretariat to circulate copies of all decisions affecting the Sub-Commission adopted by the Economic and Social Council at its most recent session.

34. Mr. YIMER said he took exception to Mr. Joinet's assertion that the Commission was acting ultra vires. The Commission was the Sub-Commission's parent body, and should not be defied. He failed to see how paragraph 9 of resolution 1999/81 could possibly be interpreted as a recommendation. Regardless of the problems it posed, the Sub-Commission had to accept the Commission's decision.

35. Mr. JOINET said he would be willing to abide by a decision of the Legal Counsel on the matter.

36. Mr. ALFONSO MARTINEZ said that a decision by the Sub-Commission to amend its previous decision was not incompatible with the Commission's instructions in resolution 1999/81. In any case, general distribution of the summary records of closed meetings was not an option.

37. Mr. KARTASHKIN said that paragraph 9 of Commission resolution 1999/81 required the Sub-Commission to consider questions of its working methods in closed session. The Sub-Commission should respect the decision of its parent body.

38. Mr. BOSSUYT, supported by Mr. Joinet, said he formally proposed suspending the discussion under rule 49 of the rules of procedure, and turning to the remaining issues relating to the meeting of the Bureau.

39. The CHAIRMAN said he took it that the Sub-Commission wished to defer further consideration of agenda item 1 (c) and, to continue it in closed session.

40. It was so decided.

41. The CHAIRMAN drew attention to the footnote to the draft timetable, which stated that consultations prior to the voting would be held in closed session, if deemed necessary.

42. Mr. ALFONSO MARTINEZ said he was concerned that the last-minute consultations referred to might come to be regarded as a substitute for the informal consultations that normally preceded the submission of a draft decision.

43. Mrs. WARZAZI said that the footnote was redundant.

44. Mr. PINHEIRO (Rapporteur) said that, while he endorsed the comment by Mr. Alfonso Martínez, he favoured retaining the footnote.

45. Mr. JOINET proposed that the footnote be deleted since it would institute a procedure that might jeopardize the transparency of the voting process.

46. Mr. WEISSBRODT said that experience showed that such consultations could sometimes be helpful, if used with discretion.

47. Mr. KARTASHKIN said that it was a matter of the discretion of the members of the Sub-Commission whether or not to hold prior consultations in closed session; members would still have that right whether or not the footnote were retained. The footnote could be deleted on the understanding that any member could, at any time, propose the holding of consultations prior to the voting in closed session.

48. The CHAIRMAN suggested that the footnote be deleted on the understanding that the chair could, at any time, call for a closed session to be held for consultations prior to voting.

49. It was so decided.

50. The CHAIRMAN said that, with respect to speaking time, the Bureau had taken previous practice fully into account as well as the guidelines that had been adopted in 1992 and 1994. Members of the Sub-Commission would be limited to 15 minutes per item (for one or more statements); special rapporteurs

to 20 minutes (to be divided between the introduction of the report and the concluding remarks); Government observers to one statement of 10 minutes per item - except for the agenda item dealing with violations of human rights - and 15 minutes for composite items, and 5 minutes for statements made immediately before a vote in which the country concerned was implicated; statements by Government observers equivalent to a right of reply were limited to 5 minutes for the first statement and 3 minutes for the second; observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations were limited to the same speaking time as Government observers; and NGO observers were limited to one statement of 10 minutes per item - except for the agenda item dealing with violations of human rights - and 15 minutes for composite items or joint statements.

51. The draft timetable, as amended, and the proposals of the Bureau concerning speaking time were adopted.

TRIBUTE TO THE MEMORY OF NEELAN THIRUCHELVAM

52. Mr. PALIHAKKARA (Observer for Sri Lanka), having acknowledged the sentiments already expressed in the Sub-Commission concerning the murder of Neelan Thiruchelvam by the Liberation Tigers of Tamil Eelam (LTTE), said that Dr. Thiruchelvam had been murdered as he was leaving home for his daily work as a human rights defender. An ardent campaigner against the death penalty and a true believer in and practitioner of non-violence, he had worked tirelessly towards a peaceful solution of Sri Lanka's ethnic problems.

53. His death highlighted the immense dangers posed to human rights defenders by ruthless terrorist groups such as the LTTE. It was also a poignant reminder to forums such as the Sub-Commission that supporters of that terrorist group masquerading as accredited representatives were propagating falsehoods and distributing documents with forged signatures. Dr. Thiruchelvam's murder would only strengthen the resolve of the Government of Sri Lanka to bring to fruition the peace process which it had painstakingly pursued with the cooperation of the peace-loving Tamil community and courageous leaders like Dr. Thiruchelvam. Terrorist groups like the LTTE should know that such cowardly acts would not intimidate the peacemakers into abandoning their commitment to find negotiated solutions.

54. Ms. HOLMES (Observer for the United States of America) also paid tribute to Dr. Thiruchelvam, reading out excerpts from a statement issued on 29 July 1999 by her country's Department of State. In that statement, the murder of Dr. Thiruchelvam was condemned in the strongest possible terms.

55. Mr. GOONESEKERE said that Dr. Thiruchelvam had been known to many members of the Sub-Commission, who had respected his integrity and ability. He had dedicated himself to finding solutions, particularly constitutional solutions, to problems not only in his own country but also as far away as South America. He had received great acclamation worldwide for the way in which he approached such problems, and his murder was tantamount to the murder of the principle of moderation and of finding just solutions by peaceful persuasion. His loss was felt by the entire human race.

The public part of the meeting rose at 11.55 a.m.



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SUB-COMMISSION ON THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 4 August 1999, at 10 a.m.

Chairman: Mr. HATANO

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RESOLUTION 8 (XXIII)

* The summary record of the second part (closed) of the meeting appears
as document E/CN.4/Sub.2/1999/SR.3/Add.1.

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Sub-Commission at this session will be consolidated in a single corrigendum,
to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (E/CN.4/Sub.2/1999/4; E/CN.4/Sub.2/1999/NGO/9)

1. The CHAIRMAN invited the Sub-Commission to begin its consideration of agenda item 2, and reminded participants of the 1994 guidelines concerning that item.
2. Mr. LITTMAN (Association for World Education) drew attention to the plight of Pakistan's Christians, the latest victims of that country's blasphemy laws. His organization reiterated its call for Pakistan to repeal that legislation, which provided for a mandatory death sentence for blasphemy, and urged the Sub-Commission to adopt a firm resolution on the subject recalling its resolution 1985/21.
3. History was repeating itself in the Islamic Republic of Iran, whose ancient Jewish community had dwindled from 120,000 in 1948 to a mere 20,000. Following the direct incitement to eliminate Israel on the grounds that it had defamed Islam, contained in a sermon preached by the Iranian Minister of Justice in 1997, 13 Jews had recently been arrested and accused of spying for "the Zionist regime" - part of an ongoing pattern of discrimination that stretched back to the 1890s. The commitments of the Iranian Government to comply with the principles of international law, recalled in Commission resolution 1999/13 and in General Principle A (9) of the Islamic Symposium on Dialogue among Civilizations held at Tehran in May 1999, were undermined by those latest threats. His organization appealed to the Sub-Commission to act to prevent the Iranian Jewish community from being made a scapegoat by the authorities.
4. Mr. DIAZ de JESUS (Latin American Human Rights Association) said that the situation of human rights and fundamental freedoms in Mexico had deteriorated since the adoption of Sub-Commission resolution 1998/4, particularly with regard to the rights of Mexico's 56 indigenous peoples. Discrimination, hunger and extreme poverty persisted; land rights continued to be violated; the Chiapas conflict remained unresolved; and impunity was the norm. The most recent annual report of the National Human Rights Commission noted that torture persisted and was routinely practised by the Office of the Attorney-General of the Republic and by the Ministry of Defence.
5. Indigenous women, who were particularly vulnerable to discrimination, were often raped or taken hostage by the military, or by paramilitary groups. Indigenous women and men had been forcibly sterilized. The Congress of the State of Guerrero had formally recognized such practices to be an act of genocide.
6. The Sub-Commission should take appropriate steps to put an end to such acts and should adopt a resolution calling upon the Mexican authorities to

comply with their human rights commitments and inviting the Commission to appoint a special rapporteur to investigate the situation of human rights in Mexico, especially those of the indigenous peoples.

7. Mr. WADLOW (Association of World Citizens) said that the recent banning by the Government of China of the Falun Gong movement directly violated the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, as well as article 18 of the International Covenant on Civil and Political Rights.

8. The Falun Gong movement, founded in 1992, had its roots in the rich history and practice of Taoism in China, and had made Taoist techniques of meditation, exercise and yoga available to a large number of people. The movement had spread quickly to all parts of China, attracting followers from all walks of life. The Government, worried by the growing popularity of the movement, had banned it, in July 1999 arresting many of its leaders and seizing and destroying its publications. Those actions marked a qualitative change in the practice of the Chinese Government: the closer a movement was to traditional folk beliefs, often regarded as "superstitions", the greater the risk it ran of arbitrary and brutal repression. The human rights community had a duty to assist Governments and States to find proper solutions when, through fear and bad advice, they adopted short-sighted measures detrimental to social harmony. The banning and repression of Falun Gong was such a measure.

9. Mr. EMMANUEL (International Peace Bureau) said that no serious attempt had been made to end the senseless war in Sri Lanka, which had claimed more than 60,000 victims, most of them Tamils killed by the State forces. The Government was stepping up its military efforts to capture new territories, thereby inflicting more suffering on civilians in the war zone. Recently, the army had occupied the Shrine of Our Lady of Madhu, driving away 30,000 Tamil Catholic refugees who had sheltered there for the past four years. Continuing its 10-year economic embargo, in June and July 1999 the Government had sealed off the Wannai war zone in an attempt to starve the population into submission and had used 2,000 Tamil civilians as a human shield. The perpetrators of the massacres in the Jaffna Peninsula, to which recently discovered mass graves bore witness, had yet to be brought to justice.

10. Fifty years of denial of basic rights to the Tamils, 20 years of State military oppression, and Tamil counter-violence in response to State terrorism, had spiralled into what amounted to national suicide. The Sub-Commission and member States should bring pressure to bear on the Sri Lankan Government to cease its war efforts and instead to resolve the conflict by peaceful means, including negotiations with the Liberation Tigers of Tamil Eelam (LTTE).

11. Mr. MALEZER (National Indigenous Working Group on Native Title), speaking also on behalf of the Foundation for Aboriginal and Islander Research Action, said that, in 1996, the Government of Australia had set out to limit and impair the right of the Aboriginal and Torres Strait Islander peoples to own land, a process that had culminated in the passing of the Native Title Amendment Act 1998. In the period leading up to the passage of that legislation, the Government had actively encouraged racist sentiments in

Parliament and among the population as a whole, misrepresenting the compatibility of the High Court's Wik decision with the existing laws. The Prime Minister had campaigned against land ownership by indigenous peoples, claiming that a legal ruling in favour of indigenous claims by the High Court had gone too far.

12. Following the passage of those amendments, the Committee on the Elimination of Racial Discrimination had expressed its concern as to the compatibility of the amended legislation with Australia's obligations under articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, and had called on the Government of Australia to suspend the implementation of the 1998 amendments and to reopen discussions with the representatives of the Aboriginal and Torres Strait Islander peoples with a view to finding solutions acceptable to the indigenous peoples that would be in accordance with Australia's obligations under the Convention.

13. Since the adoption of the Committee's decision, the Government had made no attempt to engage in dialogue with the indigenous peoples. Furthermore, the Government had formally objected to a visit by members of the Committee to meet the representatives of the indigenous peoples; and, in its presentation to the seventeenth session of the Working Group on Indigenous Populations the previous week, it had expressed concern at the way in which United Nations treaty bodies considered sensitive policy issues requiring a delicate balancing of interests by Governments.

14. He urged the Sub-Commission to adopt a resolution supporting the decision of the Committee on the Elimination of Racial Discrimination, as a signal to Governments that they could not ignore their obligations towards indigenous peoples. The organizations on whose behalf he was speaking were submitting a draft resolution to that effect - the text of which he read out - for possible consideration by the Sub-Commission. That draft text also called upon the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination and xenophobia to examine and monitor xenophobic sentiments in Australia.

15. Mr. BARNES (Indigenous World Association) gave an account of the violations of the human rights of the independent tribes and indigenous peoples of Alaska which had been subjugated, dominated and exploited by an administering Power entrusted with bringing them to self-determination. They had not been a party to nor had they participated in the removal of Alaska from the list of non-self-governing territories in 1959. Where they had attempted to participate, they had been subjected to fines or imprisonment or both if they could not read, write or speak English; the United States military and the transferred population had been allowed to vote, and the independent tribes and indigenous peoples had not even been fully informed regarding their annexation by the United States of America.

16. A study conducted by the State of Alaska in 1982 had found that the Alaska Native Claims Settlement Act - a unilateral act of the United States Congress - had resulted in an explosion of land issues, many of which remained unsettled. The study had also concluded that the Act could be considered a native claims settlement since it had been prompted by the need for an oil pipeline.

17. Numerous studies had been undertaken in an attempt to deal with the plight of the indigenous peoples of Alaska, but none had appeared to resolve their struggle for survival under international law. They continued to struggle for their right to their traditional lands and food and for self-determination. He requested that the Sub-Commission undertake a constructive review of the right of self-determination of the independent tribes and indigenous peoples of Alaska.

18. Mr. EL HAISSSEN (International Association of Democratic Lawyers) said that the Moroccan authorities were pursuing with impunity their policy of violating human rights in the occupied territories of Western Sahara. The Moroccan forces continued to commit serious and flagrant violations of human rights, especially arbitrary arrests, systematic recourse to torture, forced disappearances, unfair trials, deportations, the stifling of freedom of expression and restrictions on freedom of movement. More than 300 people who had been released from arbitrary detention in 1991 as a result of international pressure had since been deprived of the opportunity to work and had been denied medical care.

19. Although the Moroccan authorities had acknowledged 112 cases of forced disappearances they had maintained silence regarding hundreds more such cases in Western Sahara and southern Morocco. His organization appealed to the Sub-Commission to intensify its pressure on Morocco to end its violations of human rights in Western Sahara, respect the international conventions it had signed and ratified, and cooperate with the United Nations in holding the referendum that would enable the people of Western Sahara to express their views regarding their future.

20. Ms. SALINAS BERISTAIN (Centro de Estudios Económicos y Sociales del Tercer Mundo) said that, for the past decade, Mexicans had been seeking to avoid violence as a means of solving the serious problems that confronted them. Urgent solutions were needed, but they had to be durable, and that required a consensus. Various government departments were responding to and working with society, and women in particular were participating and negotiating with a view to being included in Mexico's social and democratic life. A comparative analysis of Mexico's legal system and the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child had led to widespread discussion involving legislative bodies, civil society and State governors with the result that local legislation had been reformed and there had been a substantial improvement in the protection of the rights of women and children.

21. Mr. KU HERRERA (Centro de Estudios Económicos y Sociales del Tercer Mundo), a member of the Mayan indigenous people of Mexico, said that full respect for indigenous rights had still not been achieved in Mexico as a result mainly of the outmoded colonial structure of the country. The social situation in Chiapas had raised the profile of indigenous people in the national debate, and Mexican society had shown that it was ready to engage in a peaceful and conciliatory dialogue following a series of initiatives by political parties and the executive. The situation in Chiapas had demonstrated that confrontation served no purpose.

22. Mr. FAN Guoxiang said that the Sub-Commission must proclaim to the international community that those who perpetrated power politics were the most outrageous violators of human rights and should never be immune from the criticism and condemnation of the United Nations. He asked what "humanitarian crises" necessitated large-scale "humanitarian interventions" by great Powers, why a human rights problem had to be resolved by wanton bombardment, and whether there was any reason to believe that weapons of mass destruction were better able to serve the promotion of human rights than the purposes and principles of the United Nations.

23. It was irresponsible to claim that ethnic conflicts represented the most outrageous violations of human rights, and that every effort, including the use of force, had to be deployed to counter inhuman violence with a bigger and humanitarian violence. Inter-ethnic issues were complicated and sensitive, and had to be addressed prudently with mutual respect and greater understanding: outside intervention did more harm than good.

24. Stirring up and utilizing antagonistic elements among ethnic groups had been traditional tricks of colonialists and neo-colonialists to maintain their domination or find a pretext for aggression. Having in the past been the oppressors of peoples fighting for self-determination, they had never, despite their claims to the contrary, supported the inalienable right of self-determination. Their acknowledgement of self-determination issues and their exaggeration of the gravity of ethnic troubles were not undertaken for the purpose of finding a solution in favour of minorities: misrepresenting the racial relations within small nations was used simply to justify the military intervention of big nations for their own strategic interests.

25. Some had argued that there should be an international norm against the violent repression of minorities that would take precedence over concerns of State sovereignty but that was nothing other than a clumsy pretext to support the arrogant leaders of great Powers who were preaching "a new world order" built upon military might to replace the basic principles of the United Nations, which they regarded as an obstacle to their ambitions: they had simply ignored their duty to report to the Security Council before bombing a Member State of the United Nations.

26. In their eyes and hearts, they were qualified to issue undeniable and irresistible orders to anyone blocking their path towards achieving their world strategy, and the United Nations should serve as a cloak to cover or legitimize their manoeuvres. They demonized their victims and boasted that they were saviours and angels. In the name of helping a small ethnic group within the territory of a small nation, they had conducted indiscriminate killing of the civilian population regardless of racial origin and had deliberately destroyed bridges, generating plants, hydraulic projects, hospitals, roads and factories.

27. At the Sub-Commission's fiftieth session, there had been a lively discussion of the missile attacks against the Sudan and Afghanistan, which the perpetrator of power politics had sought to justify as retaliation for terrorist attacks against its diplomatic missions. During its recent wanton bombardment of a small nation, that same self-styled mono-superPower had struck the embassy of a permanent member of the Security Council with its

missiles, causing serious casualties and damage. It had demonstrated scarcely any political willingness to undertake an inquiry, blaming the use of "an old map". That was a crazy hoax.

28. The settlement of issues related to human rights, including the rights of minorities, fell essentially within the jurisdiction of a State, and the concern of the international community had to be expressed through international cooperation, as stipulated in the Charter of the United Nations; confrontational measures should be discouraged and avoided. There was no way in which the threat or the use of force could resolve human rights problems. The mono-superPower and the single strong military alliance were trying to replace the purposes and principles of the United Nations with the dangerous message that "might is right".

29. Mr. GUISSÉ said that, since the Second World War, many valuable human rights standards had been developed but there had been a lack of courage in implementing them. States had forgotten their duties towards peoples, and the United Nations was no longer able to play its expected role because it was dominated by certain Powers which abused their prerogatives or their strength. The United Nations could only make recommendations, while the reality of power lay with the States themselves, and particularly the great Powers. Recommendations made to States should be taken more seriously. Human rights militants were concerned by the discriminatory practices involved in implementing international standards, for in many cases there was clear evidence of racism.

30. The culpable silence of the international community was also a cause of concern. Many conflicts were predictable long before they had broken out, as in the case of the Rwandan genocide, and the impression was given in some countries that the more talk there was of human rights the more those rights were violated. There had been clear examples of backsliding in the areas of democracy, tolerance and the State subject to the rule of law. Wishing to live according to one's religious convictions was regarded as a crime in some countries. The worst victims were children, women, migrant workers and the elderly.

31. The term "human rights" was brought into disrepute when fine speeches were made by some of the greatest contemporary dictators. There were certain fundamental and inescapable rights and there must be no impunity for war crimes and crimes against humanity. The perpetrators of murder, mutilation, rape and other serious crimes in Sierra Leone could not go unpunished under article 5 of the Statute of the International Criminal Court. There must be no double standards, however, least of all racial standards, in that regard.

32. Mr. PEREZ BERRIO (American Association of Jurists) said that the small island of Vieques off the coast of Puerto Rico, which had been used as a military base by the United States of America since the 1940s, was badly contaminated by toxic substances and also rendered intolerable for the civil population by the presence of large numbers of military personnel that had led to widespread prostitution and alcoholism.

33. The United States continued to ignore all appeals to relieve the ecological, health and economic plight of the islanders despite the

General Assembly resolution calling on colonial Powers to dismantle military bases in colonial territories. The resistance of the local population had won the support of the National Lawyers Guild and Centre for Constitutional Rights in New York which had joined the Committee for the Rescue and Development of Vieques in denouncing the United States Navy before the Inter-American Commission on Human Rights.

34. Turning to Peru, he said that his organization, as a result of a mission to that country, had concluded that it was not a State subject to the rule of law but one governed by a totalitarian regime in which the executive was all-powerful. Fundamental human rights were not respected and any opposition was brutally suppressed, torture being regularly practised. The Government had purported to withdraw Peruvian recognition of the jurisdiction of the Inter-American Court of Human Rights, without denouncing the American Convention on Human Rights, an act that was in clear conflict with both the American Convention itself and the Vienna Convention on the Law of Treaties.

35. In Colombia, wide sectors of the population were being victimized by paramilitary groups against which no effective action was taken by the Government, despite its national and international commitments. The grave problems involved had to be resolved by the Colombians themselves with the help of the international community, strictly within the limits of legality laid down in the United Nations Charter. There was, however, clear evidence that the United States was preparing its public opinion for another "humanitarian intervention" based on an allegation that the Colombian Government was unable to control organized crime, terrorism and drug trafficking.

36. That type of threat extended also to Panama, where it was alleged that the return of the Canal to local control at the end of the current year and the withdrawal of United States military personnel might render the Canal indefensible.

37. Lastly, his organization had written to the President of Ecuador urging him to terminate the state of emergency reimposed by him on 14 July 1999, one day after it had been lifted by the Congress.

38. Mr. VAZQUEZ RUIZ (Service, Peace and Justice in Latin America) said that he - an indigenous Tzotzil - was a member of the peasant pacifist organization "Civil Society of the Bees", 45 members of which, mainly women and children, had been murdered by a group of paramilitaries led by a Mexican army general. His people were subjected to constant threats and were too afraid to go out into the fields. When they had attempted to harvest their coffee some months previously, they had found it had been cut down by paramilitary groups. The police and military did nothing to defend them because the authorities were themselves in league with the paramilitaries.

39. In all the Indian settlements, children were unable to attend school and there was widespread sickness and suffering. His people were suffering because they had refused to join the Institutional Revolutionary Party (PRI), take up arms against the Zapatista National Liberation Army (EZLN), plunder

the possessions of their brothers and burn their houses. He appealed to the United Nations to help his people recover their freedom, rights and human dignity.

40. Ms. MILLER (Centre Europe-Tiers Monde), speaking also on behalf of the Commission for the Defence of Human Rights in Central America (CODEHUCA), said that the two organizations wished to draw international attention to the environmental contamination of Panamanian territory reported by the Social Training Centre of Panama. The contamination resulted from the prolonged occupation of large areas of Panamanian territory by United States forces, including their use as artillery ranges. On 30 June, the President of the Republic of Panama had emphasized that, while his Government intended to resume possession of the entire Canal Zone, including the contaminated areas, that intention was without prejudice to its claims for the complete decontamination of the areas in accordance with the Torrijos-Carter Treaties. The United States Government was under an obligation to ensure that Panama and the international community were fully informed of the ecological state of each of the bases and installations in order that the Panamanian Government could take reasonable decisions concerning the use to which the areas could be put.

41. The two organizations also called upon the United States Government to meet its obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, that had been signed and ratified by both the United States and Panama. They also called for an international inspection to be conducted by the Commission's Special Rapporteur on toxic and dangerous products and wastes.

42. Ms. SCHMIDT (Society for Threatened Peoples) said that, three months after the signature by Portugal and Indonesia of the New York treaties on a peaceful solution to the East Timor conflict, every clause of the treaties had been violated by Indonesia. Intimidation and terror by pro-Indonesian militias - supported by the Indonesian authorities and army - had created an atmosphere of violence which cast grave doubt on the possibility of holding a free and democratic plebiscite on the future of the territory. She appealed to the Sub-Commission to request the Secretary-General, through the Commission on Human Rights, to urge the Indonesian Government to put an end to militia violence, make public mention of the violation of neutrality by the Indonesian police, and despatch United Nations peacekeeping forces immediately to the area to prevent further bloodshed.

43. Mr. SAUCEDO PEREZ (International Organization for the Development of Freedom of Education) said that he wished to draw the Sub-Commission's attention to the concern felt by many organizations about the growing violations of human rights by the Government of Mexico. Deregulatory economic policies, combined with economic restructuring imposed by international financial bodies had created widespread instability and uncertainty and resulted in a concentration of wealth in the hands of a few leaving the mass of the population in conditions of extreme poverty. The bank-rescue operation, necessitated by widespread irregularities and the corruption of high officials and bankers, had cost the country some 80 billion United States dollars, financed by cutbacks in social programmes and budgets, and had

mortgaged the future generations of Mexicans. Large social sectors had been deprived of the right to housing, dignified work, education, health, recreation and even life.

44. He drew the attention of the Sub-Commission to the observations of the Human Rights Committee on 27 July 1999 on the situation in Mexico. His organization shared the concerns of the Committee about the improper use of armed forces. For example, the Government was maintaining in Chiapas the largest concentration of troops in the entire history of the country. The existence of paramilitary groups was tolerated by the Government and their members were given impunity. In that connection, he drew the Sub-Commission's attention to the presence at its current session of a person who had been identified by the Centre for Human Rights as a leader of the paramilitary organization MIRA, that had been involved in the murder of indigenous persons. The Sub-Commission should request the Commission on Human Rights to appoint a special rapporteur to investigate the situation in Mexico, particularly as it affected indigenous peoples.

45. Mr. QURESHI (Afro-Asian Peoples' Solidarity Organization) said that the people of his nation, the Seraiki, had been denied the right to maintain its cultural identity by the Punjabis, who had dominated Pakistan since its creation in 1947. The Seraiki nation was not alone in suffering that fate; there had been prolonged persecution of other peoples, too, such as the Sindhis and Mohajirs, and the Punjabis were making systematic attempts to conceal the numerical strength of such peoples in the country. What was taking place was tantamount to colonialism, namely, the deprivation of a people of its distinct identity and its ability to continue to live in accordance with its traditional culture.

46. Ms. PETROULA (International Federation of Human Rights Leagues) said that her organization wished to draw the Sub-Commission's attention to human rights violations in several parts of the world. The first was the Republic of the Congo which, since August 1998, had been the scene of political violence and violations of fundamental freedoms often involving armed men, who enjoyed complete impunity. There was also a crackdown upon freedom of the press and information and a media campaign of disparagement and threats against human rights defenders. She called upon the Sub-Commission to adopt a resolution on the situation in the Congo and to request the Commission on Human Rights to establish some supervisory mechanism.

47. In spite of some political and economic progress in Tunisia, she was much concerned about the conformism imposed on the press and the subordination of the judiciary to the executive. There had been numerous cases of repression of human rights defenders, a few outstanding examples of which she cited. The Sub-Commission should adopt a resolution on Tunisia condemning such violations and calling upon the Government to respond to the numerous requests for visits by special rapporteurs.

48. In spite of the hopes for an improvement in the human rights situation in Algeria under its new Government, her organization continued to be concerned by the issue of enforced disappearances, the maintenance of defence militias and continuing restrictive legislation.

49. The situation in Turkey was a cause of grave concern, including the attacks upon organizations and individuals defending human rights, exemplified by the attempted murder of Mr. Birdal, the Vice-President of her organization. In addition to the continuation of enforced disappearances, arbitrary detentions, torture and ill-treatment in certain prisons and the impunity of those responsible, her organization was also concerned by the condemnation of the Kurdish leader, Mr. Öcalan, after a trial in which the rights of the defence had been flouted.

50. Mexico was also a country that figured on the Sub-Commission's agenda for the current session. Grave violations of human rights continued to be systematically practised, and crimes against humanity were being committed.

51. Lastly, while she welcomed the forthcoming visit of the working group to Bahrain, it was regrettable that the Government of that country had not yet withdrawn its reservation to article 20 of the Convention against Torture.

52. Ms. GUTIERREZ (Asociación Kunas Unidos por Nabguana) denounced the widespread violence directed against indigenous peoples in Mexico, particularly in the militarized areas. The armed forces, the police and paramilitary groups attacked indigenous communities, taking prisoners and committing torture and rape.

53. Indigenous women played an important role in their communities as custodians of indigenous culture and promoters of political and social change. They monitored compliance with international instruments concerning indigenous peoples, and rejected customs that were incompatible with human rights.

54. Her organization warmly welcomed Sub-Commission resolution 1998/4 concerning developments in the situation in Mexico. The situation of indigenous peoples had not, however, improved: impunity and torture persisted. In the State of Chiapas, organizations for the defence and promotion of human rights had received over 300 reports of rape, a crime that many victims failed to report for cultural reasons. The presence of the armed forces, the police and paramilitary groups disrupted community life, introducing the younger generation to a culture of violence. Indigenous women had no time for so-called protectors who raped, plundered, tortured and killed.

55. Her organization urged the Sub-Commission to adopt a resolution calling on the Mexican authorities to comply with the international instruments on human rights and the rights of indigenous peoples, encouraging Mexican society to opt for dialogue instead of confrontation, urging the signatories to the San Andrés agreements to abide by their terms, and inviting the Commission on Human Rights to appoint a special rapporteur to investigate the situation of human rights in Mexico, with particular stress on the rights of the indigenous peoples.

56. Ms. TALBOT (World Federation of Trade Unions) said that Pakistan was facing a crisis of identity, unable to decide whether it was a democracy or an Islamic theocracy, committed to a jihad against unbelievers. Minorities in Pakistan were legally relegated to the status of second-class citizens. Ethnic groups such as the Mohajirs continued to be persecuted. The judicial

system was based on two sets of often mutually exclusive laws, one inherited from the former colonial Power and the other based on the Islamic Sharia, under which Christians could be sentenced to death for blasphemy and women were subject to discriminatory hudud ordinances. The Ahmadiyas were denied the right to worship and to propagate their faith. Militant fundamentalism was encouraged and Shiites, Hindus and Christians were the target of sectarian violence.

57. Pakistan's economy was in crisis, bonded labour was widespread, a small percentage of the population owned most of the land, the literacy ratio was a mere 28 per cent and feudal barons dominated politics.

58. The predominantly Shiite Kashmiris of Kargil had borne the brunt of Pakistan's recent armed incursion into Indian Jammu and Kashmir. Groups such as Lashkar e Taiba, Al Badr and Harkat ul Mujahideen, composed largely of Pakistanis, had been responsible for the worst massacres in recent times in the Kashmir Valley.

59. Pakistan must be encouraged to shed its current ethos and establish its identity as a responsible State. Only then could it be deemed a worthy interlocutor on issues relating to the welfare of its own peoples and the world community.

60. Ms. LOESANG (International Union of Socialist Youth) said that China had been responsible for unchecked human rights abuses in Tibet and the deaths of 1.2 million innocent Tibetans during the past 40 years. Since the 1994 visit by the Commission's Special Rapporteur on religious intolerance, the Chinese authorities had banned the public display of photographs of the Dalai Lama and had jailed the 10-year-old Panchen Lama, the world's youngest political prisoner, in an undisclosed location. During the past two years, 9,977 monks and nuns had been expelled for opposing China's "patriotic re-education" campaign.

61. The vast majority of the 135 arrests of Tibetans in 1998 had been arbitrary. A common charge was "endangering State security" and prisoners were denied basic rights. There had been 12 new cases of disappearance in 1998, despite the concern expressed by the Working Group on Enforced or Involuntary Disappearances about an "emerging pattern" of disappearances in Tibet. Since 1986, 60 Tibetan political prisoners had died as a direct result of torture. She was pleased to note that China had finally agreed to an official mission to Tibet by the Commission's Special Rapporteur on torture. In December 1998, there were 1,083 known Tibetan political prisoners, mostly monks and nuns, in Chinese prisons.

62. The Chinese authorities had reportedly detained two monks for their involvement in preparing a letter to the High Commissioner for Human Rights on the occasion of her visit to Tibet in September 1998. Their whereabouts were unknown. The Working Group on Arbitrary Detention had informed the Commission on Human Rights of the fate of three Tibetan prisoners involved in a slogan-raising incident during its visit to Drapchi prison in October 1997.

63. The Chinese authorities took the line that human rights issues must be resolved through "dialogue" but their behaviour in Tibet remained

confrontational. The Dalai Lama had been calling for a negotiated settlement for 20 years but his appeals had fallen on deaf ears. Her organization urged the Sub-Commission to call for the appointment of a special rapporteur to investigate the human rights situation in Tibet and to scrutinize China's record of gross and systematic violations of human rights there, which had not changed since the adoption of Sub-Commission resolution 1991/10.

64. Ms. AULA (Franciscans International), also speaking on behalf of Dominicans for Justice and Peace, expressed their continued concern about the human rights situation in Mexico. The adoption of Sub-Commission resolution 1998/4 had received wide media coverage, boosting the work of human rights defenders and leading to a temporary let-up in human rights violations. Once the hue and cry had died down, however, the violations had resumed and the Government had once again assured the international community that all was well.

65. In its concluding observations on Mexico's fourth periodic report adopted two weeks previously (CCPR/C/79/Add.109), the Human Rights Committee had expressed concern that acts of torture, enforced disappearances and extrajudicial executions had not been investigated, that the persons responsible for those acts had not been brought to justice and that the victims or their families had not received compensation. It had also expressed concern about the increase in action by the armed forces in the States of Chiapas, Guerrero and Oaxaca, where they conducted activities pertaining to the police forces, and about the lack of institutionalized procedures for the investigation of allegations of violations of human rights by members of the armed forces.

66. The Special Rapporteur on torture had reported to the Commission on Human Rights at its fifty-fifth session that prisoners had allegedly been subjected to torture and other forms of cruel, inhuman or degrading treatment in Mexico City. The Special Rapporteur on extrajudicial, summary or arbitrary executions had stated publicly on a visit to Mexico in July 1999 that the injustice and selective impunity that had led to mass killings were rooted in the ongoing political problems and the failure of the judicial system in Mexico. She had also referred to the continued exploitation of marginalized people in the situation of armed conflict in the State of Chiapas and stressed the need for local authorities to respect human rights in a society with diverse languages and cultures. The Committee on the Elimination of Discrimination against Women had urged the Government to safeguard the rights of indigenous women and women in conflict zones, especially where the police and armed forces were operating.

67. The situation of women in the States of Chiapas, Guerrero and Oaxaca showed no signs of improving, however. There were continued reports of rape of indigenous women. The number of arbitrary executions involving the armed forces had increased. Government statistics classified human rights violations such as torture and summary execution as wounding and abuse of authority.

68. In view of the failure of the Government of Mexico to implement the recommendations made by United Nations special rapporteurs and other bodies, the deteriorating human rights situation and accelerating militarization,

especially in indigenous regions, her organization strongly recommended that the Sub-Commission should continue to consider the situation of human rights in Mexico and adopt a resolution recommending action for adoption by the Commission on Human Rights at its next session.

69. Ms. BACHMAN (International Institute for Peace) said her organization was concerned at the trend in some countries away from democratic norms and towards fundamentalism, the perversion of educational systems and the constitutional and legal justification of oppression and segregation. Religious schools (madrasahs) in Pakistan propounded an anti-democratic ideology. The Lashkar e Taiba armed group was committed to a jihad against Jews, Hindus and non-believers and the Harkat ul Mujahideen, a terrorist organization, drew its cadres from the madrasahs. Sectarian violence was rife and legal and institutional structures discriminated against religious minorities, such as Shiites, Ahmadiyas and Christians. Pakistani women lived in dread of subjection to a rule similar to that of the Taliban in Afghanistan - who were also graduates of the madrasahs. Journalists and newspaper owners were targeted by armed groups.

70. The tentacles of the terrorist groups based in Pakistan were extending into South Asia, the United States and Europe, and had led to the massacre of innocent civilians in the bombing of United States embassies, of Shiites in Afghanistan and of Kashmiri Pandits and Muslim liberals in Jammu and Kashmir. Action to destroy the breeding grounds of the new colonizers and to neutralize the impending threat to freedom, democracy and human rights must begin in Pakistan.

The public part of the meeting rose at 12.45 p.m.